

**EPA Region 9 Comments on Public Draft 8/16/04 IRWMGP Guidelines
for Proposition 50, Chapter 8 August 2004**

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1. Revise 303(d) list definition on page 34 as follows:

303(d) List – refers to Section 303(d) of the Clean Water Act (CWA) that requires each state to periodically submit to U.S. EPA a list of impaired waters. Impaired waters are those that are not meeting the state's water quality standards. Once the impaired waters are identified and placed on the list, Section 303(d) requires that the states establish total daily maximum loads (TMDLs) that will meet water quality standards for each listed water.

2. Revise TMDL definition on page 34 as follows:

Total Maximum Daily Load (TMDL) – is generally a means for recommending controls needed to meet water quality standards for a particular water body. Establishing a TMDL is an important step in watershed protection because it sets quantified goals for water quality that may then determine what actions are needed to restore or protect the health of the water body. More specifically, a TMDL identifies the maximum quantity of a particular pollutant that can be discharged into a water body without violating a water quality standard, and allocates allowable loading amounts among the identified pollutant sources.

3. Improve coordination/integration with the CA NPS Program by including the required elements for watershed-based plans as per the CWA Section 319.

Though the guidelines identify implementation of the State's NPS Program Plan, it should more effectively integrate with federal requirements for the NPS Program (CWA Section 319) regarding watershed plans. U.S. EPA has established requirements that NPS projects be consistent with watershed-based plans that have nine required elements to ensure that NPS projects make progress towards restoring and protecting water quality, and to encourage comprehensive holistic approaches.

In California, the SWRCB and the Regional Boards are attempting to rely on a combination of existing plans, to comply with the nine required elements. Examples of plans that are being used in California include local watershed plans, coordinated resource management plans, TMDL implementation plans, comprehensive conservation and management plans, RWQCB's Water Quality Control Plans (Basin Plans), and the RWQCB WMI Chapters.

There is a need to more fully ensure that as appropriate, plans address these required elements to assist the SWRCB and RWQCBs help comply with federal requirements and ensure adequate planning. Therefore, the guidelines should identify the elements and suggest that to the fullest extent possible, plans that are addressing NPS pollution should include these elements. This would make additional federal funds available and ensure

the inclusion of nationally established plan elements. The required watershed-based plan elements are as follows:

- a. An identification of the causes and sources or groups of similar sources that will need to be controlled to achieve the load reductions estimated in this watershed-based plan.
- b. An estimate of the load reductions expected for the management measures described under paragraph (c) below.
- c. A description of the NPS management measures that will need to be implemented to achieve the load reductions estimated under paragraph (b) above and an identification (using a map or a description) of the critical areas in which those measures will be needed to implement this plan.
- d. An estimate of the amounts of technical and financial assistance needed, associated costs, and/or the sources and authorities that will be relied upon, to implement this plan.
- e. An information/education component that will be used to enhance public understanding of the project and encourage their early and continued participation in selecting, designing, and implementing the NPS management measures that will be implemented.
- f. A schedule for implementing the NPS management measures identified in this plan that is reasonably expeditious.
- g. A description of interim, measurable milestones for determining whether NPS management measures or other control actions are being implemented.
- h. A set of criteria that can be used to determine whether loading reductions are being achieved over time and substantial progress is being made toward attaining water quality standards and, if not, the criteria for determining whether this watershed-based plan needs to be revised or, if a NPS TMDL has been established, whether the NPS TMDL needs to be revised.
- i. A monitoring component to evaluate the effectiveness of the implementation efforts over time, measured against the criteria established under item (h) immediately above.

You may also refer to the full text of the Section 319 guidelines that is available on EPA's NPS website at: <http://www.epa.gov/fedrgstr/EPA-WATER/2003/October/Day-23/w26755.htm>